

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE RODRIGUEZ,

Plaintiff,

v.

**9:04-CV-358
(FJS/GHL)**

**GLEN S. GOORD, Commissioner for NYS
Department of Correctional Services; THOMAS
G. EAGEN, Inmate Grievance Program Director
for NYS Department Correctional Services;
HOWARD DEAN, Director of Inmate Industry
Cook-Chill for NYS Department of Correctional
Services; KEVIN BOWEN; ROBERT LANGDON;
NICHOLAS GUALTIERI; RALPH FONDARIO,
Food Administrator Supervisor of Inmate Industry
Cook-Chill for NYS Department of Correctional
Services; DR. RAJA MARA, Medical Director of
NYS Oneida Correctional Facility for NYS
Department of Correctional Services; NURSE
BARBARA DESTITO; NURSE REBECCA
BURDIC, and ONEIDA CORRECTIONAL
FACILITY, NYS Department of Correctional
Services (1-25),**

Defendants.

APPEARANCES

JOSE RODRIGUEZ

Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendants

OF COUNSEL

DAVID L. COCHRAN, AAG

SCULLIN, Senior Judge

ORDER

Since March 6, 2006, the Clerk of the Court has sent seven pieces of correspondence to Plaintiff regarding this action, all of which have been returned as "undeliverable." *See* Dkt. Nos. 47, 48, 49, 50, 54, 59, 72. Therefore, in an Order dated November 27, 2006, the Court ordered Plaintiff to notify the Court and opposing counsel of his current address within thirty (30) days of the filing date of the Order. *See* Dkt. No. 73 at 3. On January 29, 2007, the Court finally received a letter from Plaintiff informing the Court of a change in his address. Although the Court received Plaintiff's letter more than thirty days after it issued its November 27, 2006 Order, the Court will, nonetheless, accept Plaintiff's letter for filing and update Plaintiff's address on the docket.¹

Accordingly, the Court hereby

ORDERS that the Clerk of the Court shall file and docket Plaintiff's January 29, 2007 letter and update his address on the docket; and the Court further

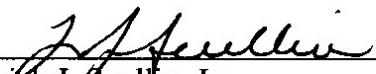
ORDERS that the Clerk of the Court shall send Plaintiff courtesy copies of the docket sheet, the Court's October 30, 2006 Scheduling Order, and the Court's November 27, 2006 Order;^{2,3} and the Court further

¹ The Court notes that Plaintiff's January 29, 2007 letter does not indicate that he served a copy of the letter on opposing counsel. The Court reminds Plaintiff that he is required to serve all of his pleadings and other papers on opposing counsel and must "declare, by affidavit or certification," that he has done so. *See* Local Rule 5.1(a). Furthermore, the Court instructs Plaintiff that he must include such an affidavit or certification with all of his future submissions to this Court; his failure to do so will result in the Court returning the papers to him without processing them.

² The Court advises Plaintiff that, in the future, the Court will not provide him with copies unless he prepays the \$.50 per page fee for those copies. *See* L.R. 5.4(a) ("The granting of (continued...)

ORDERS that Plaintiff shall **immediately** notify the Court and opposing counsel in writing of any future changes in his address. Plaintiff's failure to do so may result in the dismissal of this action.

Dated: February 6, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

²(...continued)

an *in forma pauperis* application shall in no way relieve the party of the obligation to pay all other fees for which such party is responsible regarding such action, including, but not limited to, copying and/or witness fees.")

³ Plaintiff should note that the Court's October 30, 2006 Scheduling Order includes the following deadlines: **February 28, 2007** for the completion of discovery; **March 30, 2007** for the filing of motions to compel; and **June 30, 2007** for the filing of dispositive motions. *See* Dkt. No. 71.